

In the  
**Indiana Supreme Court**



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR JOHNSON COUNTY )

Case No. 41S00-11 **07** -MS- **457**

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Johnson Circuit and Superior Courts request the approval of amended local rules for appointment of special judges in accordance with Ind. Trial Rule 79. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Johnson Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR41-TR79-063, 064, 065, 066, 067, 068 and 069 comply with the requirements Ind. Trial Rule 79, and accordingly, should be approved.

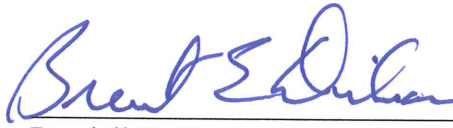
IT IS, THEREFORE, ORDERED by this Court that Johnson County Local Rules, LR41-TR79-063, 064, 065, 066, 067, 068 and 069, set forth as an attachment to this Order, are approved effective July 14, 2011, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. K. Mark Loyd, Johnson Circuit Court, 5 East Jefferson Street, Franklin, IN 46131-2339; the Hon. Kevin Barton, Johnson Superior Court 1, 5 East Jefferson Street, Franklin, IN 46131; the Hon. Cynthia S. Emkes, Johnson Superior Court 2, 18 West Jefferson Street, Franklin, IN 46131-2339; the Hon. Lance Hamner, Johnson Superior Court 3, 5 East Jefferson Street, Franklin, IN 46131-2339; to the Clerk of the Johnson Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Johnson Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 25<sup>th</sup> day of July, 2011.

A handwritten signature in blue ink, appearing to read "Brent E. Dulan", written over a horizontal line.

~~Randall T. Shepard~~  
Chief Justice of Indiana

~~ACTING CHIEF JUSTICE~~

## **RULES FOR APPOINTMENT OF SPECIAL JUDGES**

### **LR41 - TR79 - 063 Authority**

These local rules are hereby promulgated pursuant to the authority of the Indiana Rules of Trial Procedure, Trial Rule 79(H).

### **LR41 - TR79 - 064 Scope**

These local rules shall govern the practice and procedure for the selection of a special judge in civil cases.

### **LR41 - TR79 - 065 Appointment of Johnson County Panel Pursuant to T.R. 79(F)**

Upon a motion for Change of Judge, and in the event that the procedures for appointment of a Special Judge under T.R. 79(D) [Agreement of the Parties] or 79(E) [Selection by the Court] fail to result in such an appointment, then the regular sitting Judge shall name a panel of three Johnson County Judicial Officers.

A. The Johnson County Panel shall be chosen from:

1. The presiding Judge(s) of the other Court(s) of Record who hear the type of case at issue, pursuant to the Amended Plan for Allocation of Caseload (LR41 - AR01 - 057 *through* LR41 - AR01 - 062).
2. The Magistrate of the Johnson County Circuit and Superior Courts; and,
3. The Magistrate of the Juvenile and Family Court; and,
4. The Senior Judge(s) assigned to the Court from which the Johnson County Panel is being named.

In the event that a Johnson County Panel cannot be chosen from the foregoing list, any other Johnson County judicial officer eligible under Trial Rule 79 (J) may be named to the Johnson County Panel.

- B. The striking procedures outline in Trial Rule 79(F) shall be used to strike two (2) members of the panel.
- C. Following the appointment of the Special Judge by the regular, sitting Judge, the case shall be transferred to the court of the Special Judge.

#### **LR41 - TR79 - 066 Appointment of Out of County Panel**

A. In the event of the need for the regular sitting Judicial Officer to recuse himself/herself from a normally assigned case or should the appointment of a panel of Johnson County Judicial Officers fail to result in the appointment of a Special Judge, the clerk of the court shall select (on a rotating basis) one of the Judges or Magistrates from Shelby or Hancock County from those judicial officers eligible under Trial Rule 79 (J) who hear the type of case at issue under Hancock County Rule LR30-AR00-2 and Shelby County Rules LR73-AR00 Rule 2 and LR73-TR45 Rule 1.

B. This appointment shall apply unless such appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.

#### **LR41 - TR79 - 067 Acceptance of Appointment**

Pursuant to Trial Rule 79(H), a person appointed to serve as Special Judge under these Local Rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court. An oath or additional evidence of acceptance of jurisdiction is not required.

#### **LR41 - TR79 - 068 Supreme Court Certification**

In the event that no judicial officer in Johnson, Hancock, and Shelby Counties selected under the Johnson County Rules for Appointment of Special Judges is eligible to serve as a Special Judge or the regular, sitting Judge in which the case is pending sets out particular circumstances why appointment under these local rules should not be made, then the regular judge of the court in which the case is pending shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.

#### **LR41 - TR81 - 069 Effective Date**

Subject to the approval of the Indiana Supreme Court, these amended rules become effective July 14, 2011.